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SENSITIVE
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DEPARTMENT FOR EUR/WE (CHARLES HUNTER, ELAINE SAMSON,
STACIE ZERDECKI), L/LEI, DHS (AJAY BHATT), DOJ (PATRICIA
REEDY)

E.O. 12958: N/A

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SUBJECT: SPANISH PROCEEDINGS AGAINST ALLEGED FORMER NAZIS
IN U.S.

¶1. (SBU) SUMMARY. In July 2008 the Spanish National Court, under the Spanish judicial concept of universal jurisdiction and pursuant to a request by private parties, initiated an investigation of four suspects who allegedly committed crimes against humanity while serving in Nazi concentration camps: Johann Leprich; Anton Tittjung; John Demjanjuk; and Josias Kumpf. Post understands that after years of U.S. judicial proceedings, all were stripped of U.S. citizenship and ordered removed with no appeals remaining in their denaturalization cases. It is possible that the Spanish will seek to have the four brought to Spain at some point, but the investigation here is still in its early stages, and we do not believe a request for the four is imminent. We have advised the Spanish of the option of issuing travel documents in order to facilitate bringing the four to Spain. END SUMMARY.

Possible Delays

¶2. (SBU) The case against the four alleged Nazis is still in its early investigative stages. No indictments or warrants have been issued. DOJ answered an amended MLAT in December 2008, providing requested documents to the Spanish prosecutors. Given the volume of information provided, our experienced LES Legal Advisor predicts translation of the information alone could take many months. The prosecutors confirmed this week that they have had little time to review the information or begin in earnest their investigation.

¶3. (SBU) The prosecutor's office also requested Embassy Madrid's assistance in arranging a mid-December trip to the U.S. to interview the four potential defendants, two Nazi-era litigation experts, and meet with various officials at the Department and DOJ (for reasons unknown to us, the Spanish did not make the trip). The Spanish prosecutors have inquired about the health of the defendants and are evidently concerned about their ability to stand trial.

Removal to Spain

¶4. (SBU) The Spanish prosecutors have been made aware that extradition requests would not be necessary and understand the concept of procuring "travel documents," issued by the Spanish Ministry of the Interior. However, both LEGAT and Post's Legal Advisor believe it is premature to further discuss travel documents as we do not yet have affirmation from the Spanish prosecutors that they indeed want the individuals in Spain.

¶5. (SBU) Post will continue to monitor the case. Should the Spanish prosecutors request the suspects' presence in Spain, we will advise the Department.

